

IP Group Of The Year: Morgan Lewis

By Tiffany Hu

Law360 (January 16, 2020, 4:08 PM EST) -- Morgan Lewis & Bockius LLP's intellectual property group scored major victories on behalf of its technology clients, including a \$268 million judgment in a lawsuit over a hearing aid implant patent, earning the firm a spot among **Law360's 2019 Intellectual Property Groups of the Year**.

The intellectual property practice, which is more than 200 attorneys strong, emphasizes collaboration as part of its firm culture, with attorneys routinely working across various offices and areas of specialization, according to partner Eric Kraeutler, who leads the group.

"We have a very large group. It's one of the largest IP practices of any full-service law firm in the world," Kraeutler told Law360. "I think what we do really well is collaborate, we're truly a national group ... and I think that results in the best service we can deliver for clients."

Michael Lyons, a partner in Morgan Lewis' Silicon Valley office, shared similar sentiments, adding that the firm's effort to "build out an IP team that can handle the most complicated, the most sophisticated cases that come along" has been years in the making.

"It's definitely a field where no one person can have mastery of everything that gets thrown at you, both legally in terms of forum and in terms of technology," Lyons said. "It's been a long building process, but we're really excited about how we've put together a team where we've got critical mass in all the major forums that are really active in IP."

Lyons said that the team's victories on behalf of its client Techtronic Industries Co. is a "preeminent example" of the firm's synergy in play, as the cases spanned many forums and locations and involved a broad range of technologies.

More recently, Morgan Lewis convinced the Federal Circuit to wipe out the Chamberlain Group's nearly \$20 million award in a lawsuit over garage door opener patents, with the panel finding that one of Chamberlain's patents was invalid. The full court refused to revisit the ruling in December.



The firm in December also convinced the Federal Circuit to toss the U.S. International Trade Commission's import ban on Techtronic's products after determining that the commission's infringement finding was based on a misunderstanding of a claim term.

"In terms of the complexity of legal issues, the ferocity and deftness of opposing counsel, and the ultimate outcome for our client, for me, those were the most satisfying cases," said Michael Abernathy, a partner in the firm's Chicago office.

Partner Jason White agreed, saying that the cases involving Techtronic have been the "most high-profile and rewarding cases that we had," given the five different forums they were in.

"Having cases that were ultimately decided in our favor across all the forums were definitely rewarding," White said.

Morgan Lewis additionally represented the Alfred E. Mann Foundation for Scientific Research in its lawsuit accusing device maker Cochlear Ltd. of infringing the medical research foundation's hearing aid implant patents.

Following a 2014 trial, jurors had awarded the foundation \$131 million after finding Cochlear infringed two of its patents. But a California federal judge later invalidated a handful of claims across the two patents and ordered a new damages trial, which was put on hold pending an appeal.

The Federal Circuit in 2016 affirmed the district judge's decision that claims in one of the foundation's patents were invalid as indefinite. However, the appeals court revived part of the second patent and sent the case back to the lower court for further proceedings.

In November 2018, the judge reinstated the 2014 jury award to the Alfred E. Mann Foundation and doubled the amount of damages to \$268 million in light of Cochlear's "egregious conduct" in the case, handing a major victory to Morgan Lewis' client.

"That was an exciting case, and a privilege to work for them," Lyons said. "The resources that it can provide to the foundation are really going to make a difference to what they're able to do, not only in the year, but the decades to come."

--Editing by Nicole Bleier.